



Return to Europe

Reflections After 20 Years of Democratic Renewal

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***A new beginning?* Democracy support in EU external relations under the Lisbon Treaty**

*In November 2009, the Council of the European Union approved a set of **Council Conclusions on Democracy Support in the EU's External Relations**, including an Agenda for Action. With the entry into force of the Lisbon Treaty, and the creation of an EU diplomatic service (European External Action Service), an opportunity now exists to provide a clear framework for democracy support in EU external relations.*

The European Union's external relations are in flux. The new architecture sanctioned by the Lisbon Treaty is meant to change the face and the means of the EU's external action efforts.

At the same time, the EU is engaged in a process of profound restructuring of external action instruments aimed at both incorporating the agenda of aid effectiveness and improving co-operation, coherence and complementarity of EU efforts.

In this context of political, institutional and policy overhaul, the EU's efforts in the field of democracy support have already been subject to important developments. In particular, the EU *Council Conclusions on Democracy Support in*

the EU's External Relations, approved on 17 November 2009, represents the first attempt to establish a clear framework for action for EU institutions and member-states in a policy field that has traditionally operated in a rather scattered and unco-ordinated manner.

Reforms at the institutional and the policy level have raised expectations not only amongst policy practitioners and experts in the EU, but also in partner countries where the lack of a more co-ordinated and coherent EU voice in external affairs has often been perceived as a serious shortcoming in their dealings with the EU, particularly when it comes to supporting democracy and democratic reforms in third countries.

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POLICY RECOMMENDATIONS

- Prior to the full implementation of the provisions of the Lisbon Treaty, the Spanish and Belgian EU Council Presidencies, in close co-operation with the Council Secretariat and the Office of the High Representative for Foreign Affairs and Security Policy, should lead the establishment of a multi-stakeholder dialogue mechanism to push forward the approved Agenda for Action on democracy support in external action. This mechanism should include a process for monitoring the implementation of the Agenda for Action in pilot countries.
- The European External Action Service (EEAS) should feature a broader representation from the side of the European Commission, including the Directorates-General involved in development policy, Enlargement and European Neighbourhood Policy, humanitarian aid, and financial management of external programmes.
- The EU should develop mechanisms for building political consensus and democratisation agendas in third countries. This should be done by complementing existing technical assistance instruments with new tools based on fostering political dialogue and local ownership. Similarly, the development of country-based political agendas for democratic consolidation will establish the basis for better alignment of EU democracy support tools with locally owned reform agendas.
- The EU democracy support community should develop a new range of instruments to work with political society in ways that build on the EU's past experience in the field of institutional strengthening and capacity-building, especially during the EU enlargement to Central Europe.
- The structure of the EEAS should reflect the different areas of EU external actions based on geographic desks and horizontal policy desks. This scheme should include a Unit on Democracy and Human Rights that would be in charge of devising policy priorities as well as ensuring better mainstreaming of human rights and democracy issues across all EU external action (geographic desks).
- The EC delegations should improve their capacity to implement the European Instrument for Democracy and Human Rights (EIDHR) Country-Based Support Schemes. This requires not only reinforcing the expertise of staff at the delegation level, but also devising the necessary methodologies for a more inclusive and participatory process of identification of policy priorities that will incorporate stakeholders on the ground rather than relying exclusively on a centrally designed policy framework.
- The EEAS should develop capacities to work on democracy support both at the headquarters and at the delegation level. In doing so, recent experiences such as the development by the Community of Democracies of the Diplomat's Handbook for Democracy Development Support¹ should be taken into consideration as reliable and practical mechanisms for structuring capacity-building and training mechanisms.
- The EC delegations in relevant countries should have a clear mandate and a framework enabling them to take rapid-response action to support democracy and human rights activists at short notice. They should also include staff dedicated to civil society engagement and support for democracy and human rights, with a strong emphasis on recruiting staff with field work experience in democracy support and civil society development.
- The capacity of civil society has to be nurtured in a more consistent manner at every stage of the policy-making process: improving consultation mechanisms and administrative processes so that relations with civil and political stakeholders are more effective, and furthering the development of independent evaluations of EU policies.
- The EU and its member-states should open to a wider range of policy actors the debate on how to improve the role of democracy support in the EU's external relations. The Council Conclusions should be discussed with relevant stakeholders in order to generate the necessary conditions for improving the ownership of a policy process that so far has been confined to the selective club of EU member-states.

¹ <http://www.diplomatshandbook.org/>

What can be expected from this major policy restructuring? And is the EU finally finding a unified voice in the field of democracy support? This paper aims to tackle these questions. In doing so, the paper will review major changes brought about by the entry into force of the Lisbon Treaty and the approval of the *Council Conclusions on Democracy Support in the EU's External Relations*.

Whereas much of the attention of observers and practitioners has been focused on a guessing-game about the outcomes of the architectural reforms, it is in the new policy framework, established by the Council Conclusions, that the democracy support policy community in Europe might find the necessary elements to build a more coherent and co-ordinated policy.

This paper offers a series of **policy recommendations** (see table, page 2) designed to ensure harmonisation between policy developments and architectural reform.

The Lisbon Treaty and EU external action

The Lisbon Treaty has been portrayed as a major breakthrough in the consolidation of a more cohesive EU external relations policy. It has also been seen by some as a threat to national sovereignty, since it is expected that it will bring greater joint decision-making to the actions of EU institutions and member-states in third countries. But, does it really mean any of this?

There is little doubt that the scope of organisational restructuring in the EU's external action is wide-ranging. Apart from the two new leading positions (President of the Council, and High Representative for Foreign Affairs and Security Policy, the latter combined with Vice-President of the European Commission),

a new External Action Service (the biggest diplomatic and external relations service in the world) is foreseen. Furthermore, the change of the EU's legal personality makes it a subject of international law and therefore a plenipotentiary actor in international relations.

However, to what extent will the implementation of these reforms bring about changes at the policy level, particularly when it comes to a field such as democracy support?

Whereas the "text" of the Lisbon Treaty is clear about the organisational changes to be implemented upon its entry into force, a more contentious process of interpretation of the "spirit" of the text is currently taking place in Brussels and in the member-states, particularly when it comes to establishing a new division of labour between EU institutions and member-states in external relations.

As a result, EU institutions might not be able to meet the expectations of stakeholders when it comes to necessary policy changes.

The idea that institutional changes will bring about immediate policy results needs to be tempered by the reality of slow policy developments in the EU; of difficult political and institutional battles for the control of resources; and of the continuing dominance of member-states as the driving force behind the process of European integration, particularly when it comes to the field of external relations.

THE EUROPEAN EXTERNAL ACTION SERVICE

According to the Lisbon Treaty, "the High Representative shall be assisted by a European External Action Service (EEAS)".¹ The Treaty says that the EEAS "shall work in co-operation with the diplomatic services of the member-states and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services

¹ Treaty on European Union (TEU), Art. 13.3

of the member-states".² The fact that the final decision about the organisation of the EEAS has not yet been taken reflects the tensions between the political actors when it comes to defining the scope and the mechanisms for functioning of the EEAS. A blueprint is scheduled to be prepared by Catherine Ashton by March 2010.

One of the biggest problems is to define the composition of the EEAS, and how to strike the right balance between the inter-governmental and purely communitarian components in EU foreign policy.

However, beyond the question of the distribution of positions between member-states, the Commission and the Council, it is necessary to resolve the lack of clarity in the functions of the EEAS and the articulation between the EEAS and the remnants of the Directorates-General for External Relations (RELEX), Development, and EuropeAid.

The new structure of the European Commission, proposed by President José Manuel Barroso and confirmed by the European Parliament on 9 February 2010, includes the following Directorates-General in the area of external relations:

- International Co-operation, Humanitarian Aid and Crisis Response
- Development
- Enlargement and European Neighbourhood Policy.

Yet it is not yet clear what kind of mandate the Directorates-General will have within the new EU architecture. One potential division of tasks between the Commission and the EEAS might be allocation to the EEAS of the functions currently performed by DG RELEX (reinforced by the figure of the High Representative), whereas the Commission will be responsible for the implementation phase, as is currently the case for EuropeAid.

This would imply that the EEAS would have to develop a structure of policy units that would mirror the different areas of EU external actions,

² TEU, Art. 27.3

i.e. geographic and horizontal policy desks. This would help to ensure better co-ordination and effectiveness of the existing policy instruments. Such a scheme should include a Unit on Democracy and Human Rights (or two separate Units as has been the case in DG RELEX since summer 2009) that would be in charge of devising the policy priorities in this field, as well as ensuring better mainstreaming of human rights and democracy issues in the rest of EU external actions (geographic desks).

Similarly, the new EEAS raises concerns about the staff selection procedures and the necessary capacity-building to operate within the new institutional context. Whereas most of the staff of the EEAS will come from existing bodies at the Commission and the Council (and the rest will be seconded from the diplomatic services of member-states), it is not clear whether the service will be able to develop a common framework of norms and practices.

This is particularly relevant when it comes to the accommodation of various sensitivities regarding issues such as the role of conditionality in the EU's external actions and the value of the democracy and human rights clause.

Likewise, whereas part of the staff might have been exposed in the past to work in a multi-stakeholder environment, it is not clear to what extent the EEAS will develop, in the short run, clear standards for the incorporation of stakeholders into the policy process.

Therefore, it will be necessary to establish clear mechanisms for capacity-building that will serve to ensure higher standards of inclusiveness and transparency in the work of the EEAS, particularly when it comes to issues such as the role of democracy and human rights in EU external actions.

DIPLOMATIC MISSIONS

The representation of the EU in third countries will be provided by the EEAS through the diplomatic missions. Compared with their predecessors, the

new EC delegations will obtain a wider range of responsibilities. Similarly, the EC delegations will become a part of the EEAS and will work in close co-operation with member-states' diplomatic and consular missions.³

However, this is not perceived as an unequivocally positive development. On the one hand, the member-states might be willing to let the EU missions substitute their own representations in certain countries as a result of financial considerations. On the other hand, the strengthening of EU missions could result in overlaps without sufficient co-ordination between EU and national representations.

Given the absence of clarity about what to expect of the new delegations in terms of their capacity to act on the ground and their functions, an intense debate on their composition is already underway. This debate is structured along two major issues:

- (a) The relative weight of different institutions in the composition of the new delegations;
- (b) The thematic distribution of desks within the delegation and its influence on delegations' dealings with partner countries, particularly when it comes to potentially non-consensus issues such as trade and development assistance or human rights and democracy.

More specifically, different policy communities have raised fears that specific thematic predominance in ED delegations will imbalance the priority focus of EU external actions in third countries, and more specifically in developing countries. This issue is particularly relevant for democracy support, as in the past this policy field has not enjoyed the necessary development of capacities at the level of the EC delegations.

As in the case of the EEAS at the headquarters level, it is necessary to make sure not only that the functions of the delegations will include democracy support and the promotion of human rights, but that the staff seconded to the delegations will have sufficient capacity to work effectively on these issues, overcoming current limitations.

³ Treaty on the Functioning of the Union (TFEU), Art. 188

Finally, there is the question of the incorporation of service in EU delegations into diplomatic careers at the level of member-states. As Simon Duke has rightly pointed out, "the evident danger of not striking the right co-operation balance is that the national diplomatic staff will view temporary assignment or secondment to the EU as a burden, with the consequences that the game becomes one of shifting burdens (notably consular) in the direction of the delegations and the downgrading of the prestige of service in the EEAS amongst national diplomats".⁴

For this reason, the recommendation, addressed to the Commission, Council Secretariat and member-states, to encourage suitable and interested staff to consider secondment to the EEAS, often more than once, as a career-enhancing, should be seriously taken into account. The Commission, Council Secretariat and member-states should release personnel for appropriate training and give priority to launching training programmes.⁵

Democracy support in EU external relations: a new era?

Democracy, as is acknowledged in the text of the Treaties, is Europe's core value. Yet the role and the impact of democracy support on EU's external relations have been somewhat less straightforward. As has been noted by Richard Youngs, Europe's democracy support in external relations has not been consistent across geographic areas and instruments.⁶

⁴ Duke, Simon. *The Lisbon Treaty and External Relations*, EIPASCOPE no. 1. Maastricht: European Institute of Public Administration, 2008, p. 17

⁵ Crowe, Brian. *The EAS Roadmap to Success*. Chatham House Report. London: Royal Institute of International Affairs, 2008; Sola, Fernández, *The European Union's External Action Service. Working paper 46/2008*. Madrid: Elcano Royal Institute, 2009, p. 26

⁶ Youngs, Richard, 2008: *Is the EU Supporting Democracy in its Neighbourhood?* Madrid: FRIDE/ECFR

Whereas the **pre-Accession mechanism** can be taken as a major landmark in technical assistance and co-operation in support for institutional reform and implementation of the *acquis communautaire* in EU candidate countries, other policy schemes, such as the **European Neighbourhood Policy** (particularly in the Mediterranean region), have had a much more limited impact on supporting democratic reforms in third countries.

The **European Instrument for Democracy and Human Rights (EIDHR)**, an instrument allowing the EU to support directly civil society organisations working in the field of human rights and democracy in third countries, has been focused mostly on tackling human rights issues, whereas the “democracy work” has remained somewhat secondary. Moreover, in the dialogues established by European Union and Third Countries, human rights issues are generally addressed.⁷

Regional co-operation mechanisms funded under the Development Co-operation Instrument (DCI) also show diversified impact. However, there is generally a gap between the political goals and the scope of EU programmatic documents and strategic assessments and the actual instruments devised for the implementation, mostly focusing on technical assistance.

An example of this is EU’s co-operation with Latin American and Caribbean Countries. Whereas at the strategic level the EU is committed to the promotion of social cohesion in the region and to tackling the sources of social inequality, policy instruments, such as the EUROsociAL Programme, have been constrained to promoting the exchange of best practice between public officials from Europe and Latin America. They have not addressed the political underpinnings

⁷ Human rights work and democracy work are mutually reinforcing and necessary in order to support sound institutional and political reforms in third countries. However, whereas under the EIDHR the work on human rights has developed naturally, the Commission has found it somehow more difficult to tackle other questions, equally important for democratic transition and consolidation, such as supporting the role of political society in transitional contexts, restructuring party systems and party reforms, or investing in political and social leadership and capacity-building.

of inequality in the region, nor devised mechanisms to build political consensus around potential policy reforms in partner countries.⁸

Furthermore, potentially positive developments, such as the **Instrument for Stability**, are hampered by cumbersome internal procedures and regulations that affect the capacity of EU institutions to support timely policy processes and institutional reforms that, more often than not, occur in rapidly changing political and social environments.

Nevertheless, in such a diversified policy field, various positive developments in recent years are worth highlighting. Firstly, the development of the **Governance Assessments Mechanism** in the context of the relations between the **EU and the African, Caribbean and Pacific countries (ACP)** has contributed to improving the capacities of EU institutions when engaging with partner countries in difficult political contexts and, therefore, the effectiveness of the mix of policy instruments.

Secondly, in the field of **Electoral Support**, a change towards a more process-oriented approach can be observed. Rather than focusing exclusively on electoral observation, the EU’s electoral support is now evolving towards a more coherent and context-rich **electoral cycle approach** where elections are assessed and supported in the context of wider support for political and institutional reforms and processes, both before and after the electoral process.

Thirdly, the development of more consistent methodologies for **peace-building/peace-keeping missions under the Common Foreign and Security Policy**, and the appointment of Special Representatives for particular regions (such as the Horn of Africa or Kosovo) where EU missions are deployed, have improved the capacity of the EU to co-ordinate security, and technical and political aspects of its interventions, in difficult political situations and regions beset by sharp social divisions.

⁸ This gap has been widened as a result of the implementation, at the EU level, of the agenda of aid effectiveness and the development of co-operation modalities that stress state ownership of development processes but do not necessarily create the conditions for ownership and alignment that would result in a reinforcement of democratic processes in partner countries.

As is the case for many other policy fields, the development of EU instruments for supporting democracy is a **complex policy area**, where evolution has taken place through a long and often inconsistent process of aggregation of instruments and initiatives. This has not necessarily yielded positive outcomes when it comes to the implementation and development of the EU's **democracy support toolkit**.

The wide array of instruments that are listed in the **democracy support toolkit**, and the complex institutional setting of the EU, turn **policy co-ordination and coherence** into a cumbersome exercise for EU officials both at headquarters and at country level, not to mention for partner countries and stakeholders.

Furthermore, despite efforts by the EC to enhance the sources of information and country-based planning, the EC delegations seldom have enough **capacity to translate policy guidelines and strategic recommendations designed at the headquarters into country-based action plans**, tailored to the political and social context of the partner country.⁹

This poses particular problems in the case of those instruments operating (fully or partially) in a decentralised manner. For example, recent analysis has shown that EC delegations have not been able to translate adequately general policy priorities established in the framework of EIDHR into the programmatic documents and calls for proposals of the Country-Based Support Schemes (CBSS). Some delegations simply copy policy priorities from the general EIDHR Strategy; others include policy priorities that are not consistent with the overall strategic recommendations for the country.¹⁰

These various dynamics add up to a **clear problem of visibility of democracy support efforts** in the context of EU external relations; a

⁹ In this respect, even if the Governance Assessments establish a new policy framework for the development of country-based strategies, the limited geographical scope and the limited implementation experience make it difficult to assess the potential of this instrument.

¹⁰ Herrero, Sonia, 2009: **A decade of democracy promotion through the European Initiative for Democracy and Human Rights**. The EPD Working Papers series in Democracy Support, 1/2009

problem that has serious repercussions both *ad intra* and *ad extra*.

In sum, while it is difficult to assess the EU's engagement in democracy support, beyond the evaluation of hardly comparable policy instruments, the immediate picture of the EU's efforts in this field is one of scattered policy efforts, incoherence, and lack of co-ordination. The approval by the European Council of the *Council Conclusions on Democracy Support in EU's External Relations* ushers in a window of opportunity for change.

A New impetus? The Council Conclusions on Democracy Support in the EU's External Relations

The approval of the *Council Conclusions on Democracy Support in the EU's External Relations* on 17 November 2009 amounts to the climax of more than one year of debates within the policy community; debates that were led by the Czech and the Swedish Presidencies of the European Council, and where EU member-states have played a dominant role. The final outcome, the *Council Conclusions*, establishes for the first time an overall policy framework, and establishes an Agenda for Action to support its implementation.

WHAT ARE THE COUNCIL CONCLUSIONS?

The *Council Conclusions* aim at improving the coherence and effectiveness of EU instruments for democracy support. In doing so, the document outlines a set of shared principles and an Agenda for Action.

As is recognised in Paragraph 2 of the *Council Conclusions*, in the field of democracy support,

the EU and its member-states draw on strong parliamentary traditions, based on the role of national parliaments and regional and local assemblies in member-states, and of the European Parliament.¹¹

Similarly, the European Council recognises that democracy cannot be imposed from the outside. As is clearly stated in the document, the EU remains committed to the principles of ownership of development strategies and programmes by partner countries. Locally driven processes can be supported by an appropriate mix of financial and political instruments tailored to the specific situation of each country.¹²

The EU's democracy support activities thus aim at assisting the efforts, and strengthening the capacity, of governments, parliaments and other state institutions, political actors, civil society organisations, and other actors. EU efforts aim at contributing to sustainable development, respect for human rights, democratic governance, security, poverty reduction, and gender equality.

In addition, the *Council Conclusions* clearly state that they do not seek to introduce new conditionality for EU development aid.¹³ As stated in the *Council Conclusions*, there is no need to re-negotiate existing norms, values and central principles as to what constitute the building blocks of democracy, nor to set out new policies.¹⁴

The Council, however, affirms that there is room for improvement in how existing EU policies are implemented, and that policies should be applied more consistently and effectively in order to work better together as mutually enhancing parts of a coherent whole.

To this extent, while acknowledging the multi-dimensional, complex and long-term nature of democracy-building processes, the Council

emphasizes the need for increased coherence, complementarity and co-ordination throughout the full range of actions and among different actors, as well as thematic and geographical instruments at the country level and at headquarters level.¹⁵

According to the *Council Conclusions*, this should start from the country analysis stage and continue through planning, programming, implementation and evaluation of EU support, in order to achieve an appropriate mix of instruments according to the situation in a given country, and should be guided by dialogue with partner countries as appropriate.¹⁶

Based on this programmatic declaration, the *Council Conclusions* proceed to establish an Agenda for Action aimed at giving EU institutions concrete recommendations for future action.

THE AGENDA FOR ACTION

The Agenda for Action is the most important part of the *Council Conclusions*. It is structured as follows: firstly, a set of common values and principles are presented; secondly, policy recommendations are listed.

According to the *Council Conclusions*, the following common values, norms and central principles form the basis of democracy support in the EU's external relations:

- Democracy, democratic governance, development and respect for all human rights – civil, cultural, economic, political and social – are interdependent and mutually reinforcing.
- While there is **no single model of democracy**, **democracies share certain common features**. These include respect for human rights and fundamental freedoms, including the principle of non-discrimination, which ensures that everyone is entitled to the enjoyment of all human rights without discrimination as to race,

¹¹ European Council: *Council Conclusions on Democracy Support in the EU's External Relations*.

¹² *Idem.* Para. 3

¹³ This was a very important point of the negotiations leading to the approval of the *Council Conclusions*, since conditionality clearly marks the border between existing sensitivities towards democracy support in EU member-states.

¹⁴ *Idem.*

¹⁵ *Idem.* Para. 4

¹⁶ *Idem.*

sex, language, religion, political or other opinion, national or social origin, birth or other status. Democracy should ensure the rights of all, including the rights of persons belonging to minorities, of indigenous peoples and other vulnerable groups.

- The ability of **men and women to participate on equal terms in political life and in decision-making is a prerequisite of genuine democracy.**

- The principle of **ownership of development strategies and programmes by partner countries** is an essential element of the EU's engagement on democracy support.

- The EU supports the **broad participation of all stakeholders in countries' development and encourages all parts of society to take part in democracy building.**

- NGOs and other non-state actors of partner countries in particular play a vital role as promoters of democracy, social justice and human rights.

- The essential oversight role of democratically elected citizens' representatives is acknowledged. Therefore, **an increased involvement of national assemblies, parliaments and local authorities in domestic policy-making is encouraged.**

- The accountability of leaders and public officials to citizens is an essential element of democracy. In this context, the EU **reiterates its support for the efforts to combat corruption.**

- **Political dialogue is an important way in which to further development objectives and other external relations objectives.** In the framework of the political dialogue, respect for democratic governance, human rights, democratic principles and the rule of law should be regularly assessed with a view to forming a shared understanding and identifying supporting measures. This dialogue has an important preventive dimension and aims to ensure these principles are upheld.¹⁷

¹⁷ *Idem.* Para. 17

- A **holistic approach on governance entails mainstreaming of human rights and fundamental freedoms, democratic governance and the rule of law to all policy sectors**, *inter alia* by implementing the EU guidelines for human rights dialogues, and by including human rights, democracy and the rule of law in discussions with third countries, in programming discussions, and in country strategy papers.

These principles are further developed through the following policy recommendations:

- Establishing a **country-based approach.**

- Reinforcing the capacities of EU institutions to engage in meaningful co-operation schemes with partner countries through **partnership and political dialogue.**

- Increasing the **coherence and co-ordination of policy instruments** both at the headquarters and the delegation level.

- Improving **mainstreaming** of democracy and human rights in line with existing commitments, both from an institutional perspective and in policy and geographical/thematic instruments.

- Improving **co-operation mechanisms and co-ordination with other international organisations.**

- Bettering the **visibility** of democracy support in the overall framework of EC External Actions.

Finally, the conclusions establish a mandate for the relevant EU institutions to put into practice the policy recommendations in a number of pilot countries and to report back to the Council by the end of 2010.

A new hope...

The EU's democracy support has evolved in a piecemeal fashion. Scattered across diverse normative and political agendas, structured into a myriad of policy instruments, democracy support has evolved incrementally, yet without clearly established policy goals.

The *Council Conclusions* raise the prospect of an end to this situation. The document seeks to improve the definition of the normative and operational grounds of EU involvement in democracy support.

The *Council Conclusions* establish, for the first time, a framework for the development of democracy support as a core part of the EU's external action efforts.

As is often the case in EU legal documents, the lowest common denominator established in the *Council Conclusions*, though probably still vague and full of rhetoric, establishes sufficiently detailed policy elements to minimise the prospects that "business as usual" will be possible in the EU's democracy support in the future.

This does not imply that the role of democracy support in the architecture (either old or new) of the EU's external relations has been clarified, but the *Council Conclusions* open up a much needed policy and political debate in the context of the EU's external relations.

Firstly, the *Council Conclusions* acknowledge the shortcomings of the democracy support policies in the EU. The document addresses the lack of policy coherence and co-ordination, while recognising the need for a more unified course of action, particularly when implementing policy instruments at the country level.

Secondly, the *Council Conclusions* establish a clear mandate for the European Commission (or the relevant bodies in the new architecture) to focus policy discussions on the level of instruments for implementation at the country level.

In other words, the document pushes practitioners and institutions alike to move from words to deeds and to put into practice a plan that, even though it is not fully developed in the text of the Agenda for Action, already contains enough elements for the policy community to know what type of actions are to be expected in the forthcoming months, particularly in the development of the pilot countries. This includes important issues such as:

- Improving the instruments for strategic planning at the country level.
- Bettering the process of policy dialogue with partner countries.
- Linking ownership of development processes to the development of democratic practices and to more inclusive multi-stakeholder governance mechanisms.
- Building a more sustainable and effective relationship between technical co-operation instruments and consensus in partner countries.
- Working towards a better international division of labour in the field of democracy support.

Nevertheless, the *Council Conclusions* leave a number of very important issues unresolved:

- To what extent can EU institutions take advantage of the changing policy environment to improve the mechanisms for its interactions with civil society organisations and stakeholders?
- Is it possible to integrate civil society organisations, implementing agencies and EU institutions into a policy framework that goes beyond the current instrumental paradigm?
- How can ownership of this policy agenda be spread amongst stakeholders in Europe and partner countries, while the policy debates have taken place within the selective club of EU member-states?

- To what extent will probable delays in the configuration of the new EEAS architecture hamper the implementation of the *Council Conclusions*, and how can we get around this issue if responsibilities, reporting lines, accountability mechanisms and division of labour are not clearly defined?

The architectural conundrum and the implementation of the *Council Conclusions*

What will be the impact of architectural reform on the implementation of the *Council Conclusions*?

While EU institutions and member-states negotiate the structure and the composition of the EEAS, the calendar for the implementation of the *Council Conclusions* has been announced. The document does not acknowledge the process of institutional restructuring, yet it has established a deadline, the end of 2010, to report on the implementation of the *Council Conclusions* in a number of pilot countries.

Since it is a very ambitious timeline, it cannot be ruled out that delays in the structuring of the EEAS might hamper its implementation.

It is not clear which institutions will be bound by the mandate established in the *Council Conclusions*. What is more, even if a decision is taken to implement pilot projects, it is not clear how the reporting mechanism should be put into practice, for the simple reason that it is not clear to whom the implementing bodies would report.

Finally, with no clear division of tasks between the three EU "Top Jobs", and between them and the member-states, the role of the different bodies and the member-states in the implementation and evaluation of the *Council Conclusions* remains unclear.

Paradoxically, whereas much of the credibility of the process lies in its capacity to implement the calendar established in the *Council Conclusions*, the bodies in charge of its implementation might not be in a position, anytime soon, to actually abide by the mandate established in the *Council Conclusions*.

There is no easy way out of this situation. One step in the right direction could be that the member-states in charge of the recently launched trio of Presidencies (Spain, Belgium, and Hungary), working closely with the Office of the High Representative and the Council Secretariat, take the *Council Conclusions* on board and lead the establishment of a multi-stakeholder dialogue mechanism that would ensure the continuity of the process during the transitional phase before the full implementation of the provisions of the Lisbon Treaty.

This mechanism could take the shape of an *ad hoc* grouping or panel of representatives of different stakeholders that would be in charge of:

- Establishing a clear mandate for the implementation of the *Council Conclusions* (if necessary).
- Monitoring the implementation of the Agenda for Action in the pilot countries.

This grouping, whatever shape it takes, could develop its activities until the respective bodies at the EEAS and the European Commission are fully operational. At this point, the necessity of such an instrument could be re-assessed, and the mandate bestowed to such a grouping could be incorporated into the structure of division of labour established for the EU's External Action.

The *Council Conclusions on Democracy Support in the EU's External Relations* represent a new hope; and, all in all, a much more important innovation than the mere reshuffling of EU civil servants into the new EEAS. However, hope is not a plan. Much work needs to be done in order to fulfil the mandate of the conclusions, and to make this process compatible with the institutional changes brought about by the Lisbon Treaty.

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PASOS (Policy Association for an Open Society) promotes and protects open society values, including democracy, the rule of law, good governance, respect for and protection of human rights, and economic and social development, by supporting entities that individually and jointly foster public participation in public policy issues at the European Union level, in other European structures, and in the wider neighbourhood of Europe and Central Asia.

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